

**IN THE CLAIMS:**

This listing of claims will replace all prior versions, and listings, of claims in the application:

1-48. *(Cancelled)*

49. *(Currently Amended)* An optical apparatus having a telephone function comprising:

an optical system with an optical element having a variable focal length characteristic, that uses no polarizing plate, and forms an image whose brightness is independent of a polarized direction of incident light, the optical system comprising no lens element that moves along an optical axis;

an image pickup device for picking up an image formed by said optical system;

a display for displaying a picked up image; and

a memory for storing the picked up image;

~~wherein said optical element having the variable focal length characteristic has a principal point whose location is independent of a polarized direction of the incident light~~

wherein a member which makes variable a focal point of said optical element having the variable focal length characteristic is composed of a single layer.

50. *(Previously Presented)* The optical apparatus having the telephone function according to claim 49, further comprising a viewfinder for determining an image pickup range.

51-55. *(Withdrawn)*

56. *(Previously Presented)* The optical apparatus having the telephone function according to claim 49, comprising a diffractive optical element.

57. *(Withdrawn)*

58. *(Previously Presented)* The optical apparatus having the telephone function according to claim 49, further comprising a microprocessor.

59-61. *(Withdrawn)*

62. *(Currently Amended)* An optical apparatus having a telephone function comprising:

an optical system having a focal point adjusting function which comprises an optical element having a variable focal length characteristic, uses no polarizing plate and forms an image whose brightness is independent of a polarized direction of incident light, the optical system comprising no lens element that moves along an optical axis;

an image pickup device for picking up the image formed by said optical system;

a display for displaying a picked up image;

a memory for storing the picked up image; and

a microprocessor;

~~wherein said optical element having the variable focal length characteristic has a principal point whose location is independent of a polarized direction of the incident light~~

wherein in a member which makes variable a focal point of said optical element having the variable focal length characteristic is composed of a single layer.

63-72. *(Withdrawn)*

73. *(New)* The optical apparatus having a telephone function according to claim 49 or 62, wherein said member which makes the focal point variable is a liquid crystal layer.

74. (New) The optical apparatus having a telephone function according to claim 49 or 62, wherein said member which makes the focal point variable is a polymer dispersive liquid crystal.

75. (New) The optical apparatus having a telephone function according to claim 49 or 62, wherein said member which makes the focal point variable is a twist nematic liquid crystal layer.